

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert George Head, Jr.,

Civil No. 07-3555 (DWF/JJG)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Patrick Mills, Director/Investigator,
for the Red Lake Department of Public
Safety; Jason Lawrence, Investigator, for
the Red Lake Department of Public Safety;
Donovan Wind, Investigator, for the Red Lake
Department of Public Safety; John Egelhof,
Investigator, for the Red Lake Department of
Public Safety; Clifford Wardlaw, Assistant
United States Attorney; and United States of
America,

Defendants.

Robert George Head, Jr., *Pro Se*, Plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, United States Attorney's Office,
counsel for Defendants.

This matter is before the Court upon Plaintiff Robert George Head, Jr.'s
("Plaintiff") objections to Magistrate Judge Jeanne J. Graham's Report and
Recommendation ("R&R") dated December 29, 2008, recommending that:
(1) Defendants' Motion to Dismiss be granted and that Plaintiff's current amended
complaint be dismissed without prejudice; (2) Plaintiff be given 20 days to file a Third
Amended Complaint that satisfies all of the specific pleading requirements prescribed by

Magistrate Judge Graham's R&R, failing which this action should be dismissed; and (3) Plaintiff's "Motion For A Temporary Restraining Order And/Or A Temporary Injunction" be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the R&R and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Robert George Head, Jr.'s objections (Doc. No. 70) to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated December 29, 2008, are **DENIED**.

2. Magistrate Judge Jeanne J. Graham's Report and Recommendation dated December 29, 2008 (Doc. No. 68), is **ADOPTED**.

3. Defendants' Motion to Dismiss (Doc. No. 53) is **GRANTED** and Plaintiff's current amended complaint (Doc. No. 50) is **DISMISSED WITHOUT PREJUDICE**.

4. Plaintiff is given 20 days from the date of this Order to file a Third Amended Complaint that satisfies all of the specific pleading requirements prescribed by Magistrate Judge Jeanne J. Graham's Report and Recommendation, failing which this action will be dismissed.

5. Plaintiff's "Motion For A Temporary Restraining Order And/Or A Temporary Injunction" (Doc. No. 44) is **DENIED**.

Dated: January 21, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court